IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13519 of 2004

Between:

1 Damera Harendranath, S/o. Venkatanarasimharao,
R/O. Thondangi Village & Mandal, East Godavari District.
2 Damera Kiran Kumar, S/o. Damera Harendranath,
R/O. Thondangi Village & Mandal, East Godavari District.
3 Damera Mohan Rao, S/o. Venkatanarasimharao,
R/O. Thondangi Village & Mandal, East Godavari District.
4 Damera Vijay Kumar, S/o. Venkatanarasimharao,
R/O. Thondangi Village & Mandal, East Godavari District.
5 Damera Harsha Vardhan, S/o. Jagadish Chandra Mohan,
R/O. Thondangi Village & Mandal, East Godavari District.
6 Inuganti Vijay Kumar, S/o. Venkatarangarao,
R/O. Thondangi Village & Mandal, East Godavari District.
7 Inuganti Satyam Babu, S/o. Vijay Kumar,
R/O. Thondangi Village & Mandal, East Godavari District.
8 Damera Padmakumari, W/o. Jagadish Chandra Mohan,
R/O. Thondangi Village & Mandal, East Godavari District.
9 Damera Chandra Mohan, S/o. Mohan Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
10 Marneedi Rajeswari, W/o. Satyanarayana Prasad,
R/O. Thondangi Village & Mandal, East Godavari District.
11 Pachaala Venkateswara Rao, S/o. Satyanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
12 Gunda Ramalingeswara Rao, S/o. Sambamurthy,
R/O. Thondangi Village & Mandal, East Godavari District.
13 Pothamsetti Nagasiva Gangadhara Rao, S/o. Suryanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
14 Pachala Udayabhaskara Rao, S/o. Satyanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
15 Padilam Ramalakshmi, W/o. Chinnayadora,
R/O. Thondangi Village & Mandal, East Godavari District.
16 Pachala Satyanarayana, S/o. Satyanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
17 Pothamsetti Suryanarayana, S/o. Venkannadora,
R/O. Thondangi Village & Mandal, East Godavari District.
18 Kanda Venkata Subba Rao, S/o. Satyanarayana,

R/O. Thondangi Village & Mandal, East Godavari District.
19 Mutyala Srinivasa Rao, S/o. Veera Kameswara Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
20 Bodasakurthi Ramalingeswara Rao, S/o. Suryaprakash Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
21 Bodasakurthi Bullaiah Kapu, S/o. Subba Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
22 Bodasakurthi Subba Rao, S/o. Pakirayya,
R/O. Thondangi Village & Mandal, East Godavari District.
23 Bodasakurthi Nagaratnam, W/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
24 Bodasakurthi Satyanarayana, S/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
25 Bodasakurthi Pakirayya, S/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
26 Siddireddi Venkata Suryanarayana, S/o. Satyanarayana Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
27 Siddireddi Venkata Rama Rao, S/o. Satyanarayana Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
28 Siddireddi Parameswara Rao, S/o. Satyanarayana Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
29 Siddireddi Venkateswara Rao, S/o. Venkata Suryanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
30 Elugubanti Jagannadha Rao, S/o. Ramanna Dora,
R/O. Thondangi Village & Mandal, East Godavari District.
31 Dantukuru Subbarayudu, S/o. Satti Raju,
R/O. Thondangi Village & Mandal, East Godavari District.
32 Kona Chakra Rao, S/o./ Seetharamaiah,
R/O. Thondangi Village & Mandal, East Godavari District.
33 Baggu Ramaligeswara Rao, S/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
34 Baggu Krishna Murthy, S/o. Satyanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
35 Baggu Venkata Krishna Rao, S/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
36 Baggu Iyyanna,' S/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
37 Baggu Krishna Murthy, S/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
38 Koppula Venkata Rao, S/o. Chinna Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
39 Punyamanthula Veerraju, S/o. Sattiah,
R/O. Thondangi Village & Mandal, East Godavari District.
40 Muralasetti Ganesh, S/o. Rama Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
41 Baggu Manikyam, W/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
42 Baggu Manikyam, W/o. Venkata Krishna Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
43 Punyamanthula Kondamma, W/o. Venkata Satyam,
R/O. Thondangi Village & Mandal, East Godavari District.
44 Baggu Satyanarayana, S/o. Krishna Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.

45 Muralachetti Seetha, W/o. Rama Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
46 Polam narayana, S/o.Sattaiah,
R/O. Thondangi Village & Mandal, East Godavari District.
47 Polam Yesubabu, S/o. Narayana,
R/O. Thondangi Village & Mandal, East Godavari District.
48 Polam Peddapuram, S/o. Sattaiah,
R/O. Thondangi Village & Mandal, East Godavari District.
49 Polam Sattibabu, S/o. Peddapuram,
R/O. Thondangi Village & Mandal, East Godavari District.
50 Polam Ramakrishna, S/o.Peddapuram,
R/O. Thondangi Village & Mandal, East Godavari District.
51 Lokareddi Thrimurthulu, S/o. Venkanna @ Tatabbulu,
R/O. Thondangi Village & Mandal, East Godavari District.
52 Guttula Venkata Subba Rao, S/o. Narayana Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
53 Guttula Nageswara Rao, S/o. Narayana Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.
54 Beri Raghavendhra Rao, S/o. Ganga Raju,
R/O. Thondangi Village & Mandal, East Godavari District.
55 Ramishetti Lakshmi, W/o. Kanna Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
56 Beri Chandravathi, W/o. Ganga Raju,
R/O. Thondangi Village & Mandal, East Godavari District.
57 Baggu Venkata Rao, S/o. Nooka Raju,
R/O. Thondangi Village & Mandal, East Godavari District.
58 Baggu Nageswara Rao, S/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
59 Baggu Nooka Raju, S/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
60 Baggu Nageswara Rao, S/o. Nooka Raju,
R/O. Thondangi Village & Mandal, East Godavari District.
61 Baggu Lalitha , W/o. Nageswara Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
62 Baggu Yesuratnam, S/o. Kondala Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
63 Baggu Satyakanna Raju, S/o. Kondala Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
64 Polam xkondala Rao, S/o. Tata @ Appalaswamy,
R/O. Thondangi Village & Mandal, East Godavari District.
65 Polam Rama Rao, S/o. Tata @ Appalaswamy,
R/O. Thondangi Village & Mandal, East Godavari District.
66 Polam Nageswara Rao, S/o. Tata @ Appalaswamy,
R/O. Thondangi Village & Mandal, East Godavari District.
67 Peddiredla Ramachandra Rao, S/o. Subba Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
68 Peddiredla Subba Rao, S/o. Kondala Rao,
R/O. Thondangi Village & Mandal, East Godavari District.
69 Peddiredla Adilakshmi, W/o. Satyanarayana,
R/O. Thondangi Village & Mandal, East Godavari District.
70 Peddiredla Nookaratnam,' W/o. Pakirayya,
R/O. Thondangi Village & Mandal, East Godavari District.
71 Punyamanthula Bhismana Rao, S/o. Appalaraji,

R/O. Thondangi Village & Mandal, East Godavari District.

72 Punyamanthula Sai Ram, S/o. Chakravarthi,
R/O. Thondangi Village & Mandal, East Godavari District.

73 Damera Surya Rao, S/o. Venkatanarasimha Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

74 Cherikani Venkata Rao, S/o. Rajarayanam,
R/O. Thondangi Village & Mandal, East Godavari District.

75 Damera Prabhakara Seetharamaswamy, S/o. Madhavarao,
R/O. Thondangi Village & Mandal, East Godavari District.

76 Inuganti Phrudviraj, S/o. Venkata Ranga Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

77 Inuganti Jagannadam, S/o. VEnkata Ranga Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

78 Inuganti Krishna, S/o. Veenkata Ranga Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

79 Inuganti Venkata Narasimha Rao, S/o. Krishna Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

80 Inuganti Satya Sriranga Srinivasa, S/o. Venkata Narasimha Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

81 Chelikani Sri Ranganayakulu, S/o. Muralikrishna,
R/O. Thondangi Village & Mandal, East Godavari District.

82 Gandru Bullidora, S/o. Ranga Babu,
R/O. Thondangi Village & Mandal, East Godavari District.

83 Elugula Venkata Subba Rao, S/o. Pedda Raju,
R/O. Thondangi Village & Mandal, East Godavari District.

84 Elugula Balakrishna, S/o. Venkata Subba Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

85 Inuganti Savithramma, W/o. Venkata Krishna Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

86 Punyamanthula Srinivasu, S/o. Chitti Babu,
R/O. Thondangi Village & Mandal, East Godavari District.

87 Punyamanthula Golla Babu, S/o. Chitti Babu,
R/O. Thondangi Village & Mandal, East Godavari District.

88 Punyamanthula Venkata Rao, S/o. Veeranna,
R/O. Thondangi Village & Mandal, East Godavari District.

89 Punyamanthula Siva, S/o. Venkata Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

90 Somarouthu Veera Venkata Rao, S/o. Srirama Murthy,
R/O. Thondangi Village & Mandal, East Godavari District.

91 Somarouthu Lakshmana Swamy, S/o. Sanyasulu,
R/O. Thondangi Village & Mandal, East Godavari District.

92 Marneedi Gopalam, S/o. Venkata Ratnam,
R/O. Thondangi Village & Mandal, East Godavari District.

93 Punyamanthulua Venkanna, W/o. China Appa Rao,
R/O. Thondangi Village & Mandal, East Godavari District.

..... PETITIONER(S)

AND

1 The Assistant Commissioner Endowments Department, Rajahmundry,
East Godavari District.
2 Person-in-Management Sri Samsthanam Choultry, Endowment Department,
Pithapuram Town and Mandal, East Godavari District.
3 The Mandal Revenue Officer, Thondangi Mandal, East Godavari District.
4 The District Collector, East Godavari District,
Kakinada, East Godavari District.
5 The Station House Officer, Thondangi Police Station,
Thondangi, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly a writ in the nature of Mandamus, declaring the action of the respondents herein seeking to evict the petitioners herein, without following the due process of law, as illegal, arbitrary, and unconstitutional and pass

Counsel for the Petitioners: MR.K.V.SUBRAMANYA NARASU

Counsel for the Respondent Nos.1,3,4 and 5: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: Smt.Indrani, Standing Counsel for Endowments (Andhra Area)

The Court made the following :

HONOURABLE MS JUSTICE G.ROHINI

–

–

W.P.No.13519 of 2004

–

ORAL ORDER:

The petitioners claim to be the cultivating tenants in respect of the lands belonging to the 2nd respondent-Institution. This writ petition is filed to declare of the action of the respondents in seeking eviction of the petitioners from the lands in their possession without following due process of law, as arbitrary and illegal.

The case of the petitioners is that they are all landless poor persons and therefore, they made a claim before the Assistant Commissioner of Endowments to declare that they are landless poor persons and the said claim is pending before the Assistant Commissioner and in the meanwhile, the respondents are taking steps to put the leasehold rights of the land in question to auction.

This Court, while granting time to the learned counsel for the 2nd respondent to get instructions, by an order dated 2.8.2004, directed that status-quo obtaining as on that date as to the nature and possession of the land in question shall be maintained.

In the counter affidavit filed on behalf of the 2nd respondent, it is stated that the Assistant Commissioner of Endowments having considered the claim of the petitioners, passed an order, dated 28.7.2004 holding that the petitioners are in possession of Ac.301.47 cents of wet land and therefore, they are not entitled to claim benefits under Section 82 of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987.

Against the order of the Assistant Commissioner of Endowments, a remedy of appeal is available under Rule-4 of the Rules issued under G.O.Ms.No.379, dated 11.3.2003.

The learned counsel for the petitioners submits that since the said order was passed only on 28.7.2004, the petitioners may be granted

liberty to prefer an appeal against the said order and till the disposal of the appeal, their possession may be protected.

Having heard the learned counsel for both the parties and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to prefer an appeal against the order, dated 28.7.2004 of the Assistant Commissioner of Endowments. Such Appeal, if preferred within limitation, shall be disposed of as expeditiously as possible preferably within a period of eight weeks. Till the disposal of the appeal, there shall be a direction to the 2nd respondent not to dispossess the petitioners from the land in question and not to put the leasehold rights to public auction.

The Writ Petition is accordingly disposed of. No costs.

11-08-2004

To

1 The Assistant Commissioner Endowments Department, Rajahmundry,

East Godavari District.

2 Person-in-Management Sri Samsthanam Choultry, Endowment Department, Pithapuram Town and Mandal, East Godavari District.

3 The Mandal Revenue Officer, Thondangi Mandal, East Godavari District.

4 The District Collector, East Godavari District, Kakinada, East Godavari District.

5 The Station House Officer, Thondangi Police Station, Thondangi, East Godavari District.

6 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

7 Two C.D. copies.

Note: Furnish copy in two days.

B/o

Bcj/klp